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OG-07-05-497

May 1, 2007

Lawrence D. Johnson  
Attorney at Law  
345 West Main St. – PO Box 500  
Hamilton, MT 59840

Re: Hall, Doty Court Ordered Division, Cause No. DV 06 492

Dear Mr. Johnson,

My office has been provided with a preliminary Certificate of Survey (COS) depicting a proposed Court-Ordered division of the Hall, Doty property, as well as the court ordered partition dated April 5, 2007. Ravalli County greatly appreciates the Court's willingness to include the Planning Department in this early review opportunity.

The property is currently zoned under the interim zoning regulations adopted through ballot initiative which requires a residential density of one dwelling unit per two acres for subdivisions. It is not located in a voluntary zoning district. The Ravalli County Subdivision Regulations are applicable in the area. An exemption to the regulations is being requested under Section 4-4-2 (Qualified Exemptions – Order of a Court) by the current property owners.

The Planning Department has determined that the proposed division does not appear to be for the purpose of evading the subdivision regulations or the MSPA. The Planning Department can generally support the proposed land division and the following comments are offered for the Court's consideration:

1. Written confirmation, from the Environmental Health Department, that each lot meets or exceeds local and State Department of Environmental Quality (DEQ) standards for wastewater treatment and potable water (wells) should be obtained. You may also wish to consider conditioning your approval on the property owner(s) obtaining DEQ approval, which is consistent with SB 290; a law passed in 2005 amending 76-3-604 MCA.
2. Further development of the properties should include, when appropriate, access permits from the road department, additional structures requiring wastewater treatment facilities exemption application, subdivision exemption application, floodplain analysis, and/or subdivision review.
3. Property owners should be aware that access to the subject property may be restricted per the Ravalli County Road Department's Access Encroachment Policy. The Road Department should be contacted to obtain access information prior to the filling of the plat.

4. The Olive-sided Fly Catcher has been identified as a species of concern in the vicinity of the proposed division. The property owners should contact the Montana Natural Heritage Program for additional information related to species of concern which may be located on or near the subject property.
5. A portion of the subject property may be located within the dam inundation area for the Painted Rocks Dam and the Lake Como Dam. The Painted Rocks Reservoir Dam is owned and operated by the State of Montana, Department of Natural Resources and Conservation District, Water Resources Division, Dam Safety Program (48 North Last Chance Gulch, P.O. Box 201601, Helena, Montana, 59620-1621). The Lake Como Reservoir Dam is owned and operated by the Bitterroot Irrigation District (1182 Lazy J Lane, Corvallis, Montana, 59828), and the safety of the dam is overseen by the Bureau of Reclamation, Dam Safety Division (Montana Area Office, 2950 4<sup>th</sup> Avenue North, Billings, Montana, 59107). For more information regarding these dams, please contact the above agencies.
6. We appreciate the efforts of council in providing for irrigation easements and the splitting of water rights as part of stipulations one and three.
7. The Planning Department requests a processing fee of \$200.00 to help cover the costs involved in the review and recommendations regarding this proposal. My office is grateful for the assistance of the property owners to help defray the costs to county taxpayers for the staff time and materials that were required for the project. Your inclusion of this fee in a Court-Ordered split will provide my office with the ability to continue to review these types of proposals to help insure the reasonable health, safety, and welfare of all county residents.

Again, thank you for the opportunity to review this proposed Court-ordered division of land. If you have any questions, please contact me at your convenience.

Sincerely,



Karen Hughes, Planning Director

Cc: County Attorney  
Clerk and Recorder  
Board of County Commissioners